

RESOLUTION NO. 2013-43

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS INTENTION TO RESCIND ORDINANCE
1654, TO DISESTABLISH THE DOWNTOWN LODI
BUSINESS IMPROVEMENT AREA NO. 1.

WHEREAS, the Downtown Lodi Business Partnership (DLBP) Board of Directors has requested that the City disestablish the Downtown Lodi Business Improvement Area No. 1 due to fiscal constraints: and

WHEREAS, the California Streets and Highways Code Section 36500 et seq., authorizes cities to disestablish Parking and Business Improvement Areas by following set procedures as outlined below:

1. The City Council first adopts a Resolution of Intention to disestablish the Downtown Lodi Business Improvement Area No. 1, and then sets a public hearing to consider introducing an Ordinance to disestablish the Downtown Lodi Business Improvement Area No. 1. If you are inclined to pass the Resolution of Intention, it must state a reason for the disestablishment, state the time and place of the public hearing, and contain a proposal to dispose of any assets acquired with the revenues of the assessments. The DLBP board has proposed that banners and other assets that have no other value be transferred to the Chamber of Commerce and Visit Lodi that intend to continue some of the DLBP programs including the farmers market and parade of lights. Any other assessment revenues and assets would be liquidated and returned to the members of the district in the manner required by Streets and Highways Code Section 36551.
- 2) The public hearing must be held not less than 20 nor more than 30 days after the adoption of the Notice of Intention.
- 3) The public hearing must be noticed as follows:
 - a) Publish the notice of intention one time at least seven days before the public hearing;
 - b) Mail a complete copy of the Notice of Intention to each business owner in the area at least seven days before the public hearing.
- 4) If council is inclined, it would adopt an Ordinance Disestablishing the area and repealing Lodi Municipal Code Section 12.06. The Ordinance would have to order the disposition of assets as set forth in section five below.
- 5) Upon disestablishment any remaining revenues from the levy of assessments, or any revenues derived from the sale of assets shall be refunded to the business owners pro rata according to the manner of their assessment. Assets of the enterprise that have no other value (banners etc) could be ordered transferred to the Chamber of Commerce or Visit Lodi, or another organization of the business owner's consent for continued promotion of the downtown. That proposal must be laid out in the notice of intention.

- 6) Notice of the Disestablishment must be published once no later than 15 days after the adoption of the Ordinance.

NOW THEREFORE the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. The recitals set forth herein are true and correct
2. The City Council does, at the request of the Downtown Lodi Business Partnership (DLBP), and pursuant to the California Streets and Highways Code Section 36500 et seq., declare its intention to rescind Ordinance 1654 to disestablish the "Lodi Business Improvement Area No. 1" ("the "Area").
3. The boundaries of Area No. 1 to be disestablished, and the boundaries of each separate benefit zone within the Area, are set forth in the Map, EXHIBIT A, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Lodi.
4. The assets shall be disposed of as set forth in Exhibit B
5. A public hearing to disestablish the Area is hereby set for April 17, 2013, at 7:00 p.m. or as soon thereafter as possible before the City Council of the City of Lodi, at the Carnegie Forum, 305 West Pine Street, Lodi, CA.
6. At the public hearing the testimony of all interested persons, for or against the disestablishment of the Area No. 1 and the planned disposition of the assets, will be heard.
7. A protest against the disestablishment of Area No. 1, and the planned disposition of its assets, or any aspect of it may be made orally or in writing. An oral protest shall be made at the said public hearing. To count in the majority protest against the Area, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business, and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made.
8. Further information regarding the disestablishment of the Downtown Lodi Improvement Area may be obtained from the City Clerk of the City of Lodi, at City Hall, 221 West Pine Street or telephone (209) 333-6702.
9. The City Clerk is instructed to provide notice of the public hearing as follows:
 - a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, for at least seven (7) days before the hearing.

- b. Mail a complete copy of this Resolution of Intention to each and every business owner in the Area within seven (7) days of the adoption of this Resolution by the City Council.

10. This Resolution is effective on its adoption

Dated: March 20, 2013

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I hereby certify that the foregoing to be a true, full and correct copy of Resolution No. 2013-43, duly passed and adopted by the Lodi City Council in a regular meeting held March 20, 2013, by the following vote:

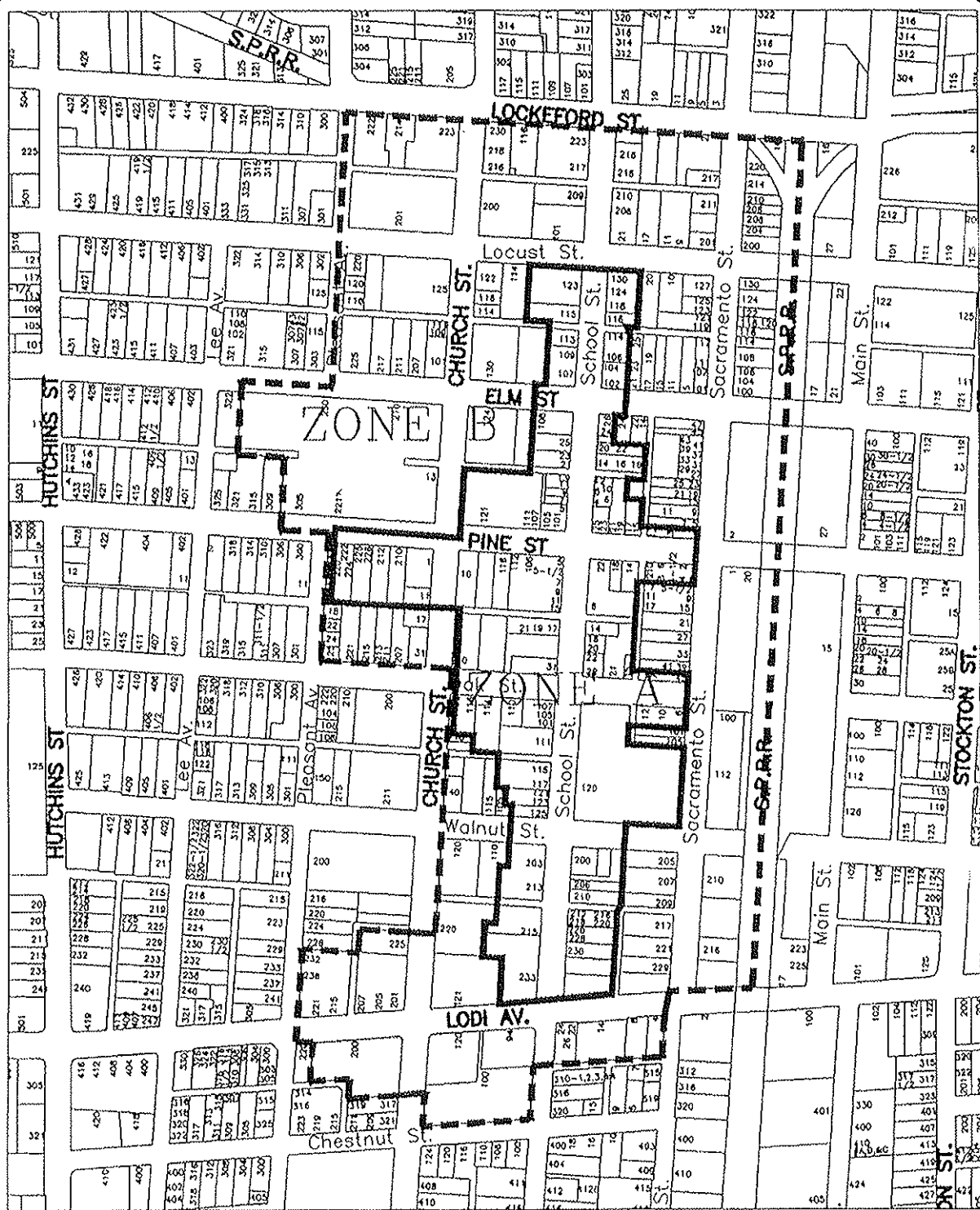
AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk



PROPOSED BIA BOUNDARIES

EXHIBIT B

Proposed Distribution of DLBP Assets:

- 1) Downtown Banners and Associated Fixtures: Donated to Visit Lodi! for continuation of banner program.
- 2) Farmers Market and Parade of Lights Assets: Donated to Lodi Chamber of Commerce for continuation of Farmers Market and Light Parade.
- 3) Unsold Office furniture and equipment: Donated to any Lodi 501(c)(3) of Board's choice.
- 4) Remaining assets: Liquidated to cash and distributed to DLBP assesseees who are current on their assessment pro rata in proportion to their 2013 assessment payment.